

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALINA DRANITCA,

Plaintiff,

-v-

ALLIED UNIVERSAL, WILLIAM TOMKINS, and PAWEL  
MACZUGA,

Defendants.

CIVIL ACTION NO.: 22 Civ. 5120 (JLR) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

On March 2, 2023, the Honorable Jennifer L. Rochon referred this matter to me for a report and recommendation on Plaintiff's anticipated motion for default judgment (the "Motion") and to conduct an inquest concerning Plaintiff's damages. (ECF No. 23). On March 3, 2023, the Court directed Plaintiff to file the Motion by April 5, 2023. (ECF No. 24 ¶ 1). To date, Plaintiff has failed to file the Motion, request an extension of the now-lapsed deadline to do so, or otherwise communicate with the Court. As a one-time courtesy, the sua sponte extends this deadline, and orders as follows:

1. By **June 2, 2023**, Plaintiff shall file the Motion in accordance with Fed. R. Civ. P. 55(b) and S.D.N.Y. Local Rule 55.2. The Motion shall include proposed findings of fact and conclusions of law concerning damages. Plaintiffs must support all factual assertions by affidavit and/or other evidentiary material. Plaintiff's requested attorneys' fees and costs must be recorded in the form below, adding fields as necessary, and supported by evidentiary material.
2. Defendants shall file their response, if any, to Plaintiff's submissions no

later than **June 23, 2023**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFF'S SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY JUNE 23, 2023 AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING THE MOTION AND PLAINTIFF'S DAMAGES BASED ON PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment." (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiff is directed to serve this Order on Defendants and file proof of service by no later than **May 26, 2023**.

Plaintiff is warned that failure to comply to this Order may result in a recommendation that this case be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b).

Dated: New York, New York  
May 19, 2023

SO ORDERED.

  
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**SARAH L. CAVE**  
**United States Magistrate Judge**

<b><u>Requested Attorneys' Fees</u></b>			
<b>Timekeeper</b>	<b>Requested Rate</b>	<b>Requested Hours</b>	<b>Requested Total</b>
		<b>TOTAL:</b>	

<b><u>Requested Costs</u></b>		
<b>Type of Expense</b>	<b>Evidence (with ECF cite)</b>	<b>Amount Requested</b>
	<b>TOTAL:</b>	